

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:09CR11-P-D

GARRETT NICHOLAS CROSBY

ORDER

This cause is before the Court on the defendant's Motion for Continuance [16]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

Counsel for defendant avers that due to his recent entry of appearance in the case, he needs additional time to review discovery materials, to conduct necessary investigative activities and to file appropriate pretrial motions. This is the defendant's first request for a continuance. The government has no objection to the relief requested in the instant motion. Based on the foregoing, the Court finds that the defendant's Motion for Continuance is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from June 1, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [16] is GRANTED;
2. That the trial of this matter is continued until Monday, July 20, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;
3. That the delay from June 1, 2009 until July 20, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is June 29, 2009;
5. That the deadline for submitting a plea agreement is July 6, 2009.

SO ORDERED, this the 22nd day of May, 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE